

REMARKS

Claims remaining in the present patent application are numbered 1-35. Claims 1, 12, 20, and 31 have been amended. The rejections and comments of the Examiner set forth in the Office Action dated January 4, 2005 have been carefully considered by the Applicant. Applicant respectfully requests the Examiner to consider and allow the remaining claims.

35 U.S.C. §103 Rejection

The present Office Action rejected Claims 1-35 under 35 U.S.C. 103(a) as being unpatentable over Friedrich et al. (U.S. Patent No. 6,003,079) and Zinky et al. (U.S. Patent No. 6,691,148). Applicant has reviewed the above cited references and respectfully submit that the present invention as recited in Claims 1-35, is neither anticipated nor rendered obvious by the Friedrich et al. reference taken alone or in combination with the Zinky et al. reference.

Independent Claims 1, 12, 20, and 31

Applicant respectfully points out that independent Claims 1, 12, 20, and 31 each recite that the present invention includes a method and system for resource allocation in a communication network supporting a plurality of application environments. In particular, each

of the independent Claims 1, 12, 20, and 31 recites that the present invention includes, in part:

b) calculating a plurality of demand values
... wherein said plurality of demand values is
calculated from a combination of throughput and
utilization metrics. . . . (Emphasis Added)

The claimed embodiments of Claims 1, 12, 20, and 31 pertain to methods and systems of resource allocation in a communication network having a plurality of application environments. In particular, independent Claims 1, 12, 20, and 31 each recite that a plurality of demand values are calculated from a combination of throughput and utilization metrics.

Applicant respectfully notes that the Friedrich et al. reference taken alone or in combination with the Zinky et al. reference does not teach nor suggest the present invention as claimed in which demand metrics are calculated from throughput and utilization metrics, as claimed in independent Claims 1, 12, 20, and 31 of the present invention.

In contrast, the Friedrich et al. reference teaches a system and method for continuously measuring quality of service in a federated application environment. However, the Friedrich et al. reference does not teach the calculation of demand values from throughput and

utilization metrics. Specifically, the Friedrich et al. reference teaches the measurement of performance metrics which accumulates a distributional statistic, such as count, summation or interval time, etc. (See col. 4, lines 35-41). Additionally, the Friedrich et al. reference teaches the use of using a count sensor for collecting throughput metrics. That is, the Friedrich et al. reference teaches the collection of performance and throughput metrics. However, the Friedrich et al. does not teach the determination of demand values calculated from throughput and utilization metrics collected within the communication network at a component and local level.

In addition, the Zinky et al. reference fails to overcome the shortcomings of the Friedrich et al. reference. In particular, the Zinky et al. reference discloses a framework for providing quality of service requirements in a distributed object-oriented computer system. In particular, the Zinky et al. reference discloses a contract that stores levels of quality of service offered by a network, determines a quality of service required by the object, and evaluates the contract to select a level of quality of service that corresponds to a current quality and adjusts the current quality of service to obtain the required quality of service as needed. However, the Zinky et al. reference does not teach the calculation of demand values from throughput and

utilization metrics collected from the communication network, as recited in independent Claims 1, 12, 20, and 31 of the present invention.

The present invention, on the other hand, claims a communication network that comprises a plurality of computation resources that service at least one application environment. Distinctively, the computational resources are allocated based on a plurality of demand values that are calculated from throughput and utilization metrics, as recited in independent Claims 1, 12, 20, and 31.

Thus, Applicant respectfully submits that the Friedrich et al. reference taken alone or in combination with the Zinky et al. reference does not anticipate or render obvious the method and system of the present invention as recited in independent Claims 1, 12, 20, and 31. Accordingly, Applicant respectfully submits that independent Claims 1, 12, 20, and 31 overcome the cited references. As such, Claims 2-11 which depend on independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim. Further, Applicant respectfully submits that Claims 13-19 which depend on independent Claim 12 are also in a condition for allowance as being dependent on an allowable base claim. Also, Applicant respectfully submits that Claims 21-30 which depend on independent Claim 20 are also in a

condition for allowance as being dependent on an allowable base claim. Furthermore, Applicant respectfully submits that Claims 32-25 which depend on independent Claim 31 are also in a condition for allowance as being dependent on an allowable base claim

CONCLUSION

In light of the amendments and arguments presented herein, Applicant respectfully requests reconsideration of the rejected Claims for allowance thereof.

Based on the arguments presented above, Applicant respectfully asserts that Claims 1-24 overcome the rejections of record. Therefore, Applicant respectfully solicits allowance of these Claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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